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April 20, 2020

Via ECF and Email: SullivanNYSDChambers@nysd.uscourts.gov

Hon. Richard J. Sullivan
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Nix et al. v. Major League Baseball, et al.*
No. 17 Civ. 1241 (S.D.N.Y.)

Your Honor,

This firm formerly represented plaintiffs Neiman Nix and DNA Sports Performance Lab, Inc. in the above-referenced matter. Your Honor remanded this matter to New York State Supreme Court on July 6, 2017 (Docket #19). The New York State Supreme Court subsequently dismissed the matter in its entirety on June 4, 2018. After denying a motion for reargument and granting Defendants' motion seeking costs, the Supreme Court issued final judgment in the matter. Plaintiffs retained new counsel and filed an appeal in the New York State Supreme Court Appellate Division, First Judicial Department. We considered our representation of Plaintiffs at an end. Plaintiffs have filed nothing further in the New York State Supreme Court action since the notice of appeal (by their new counsel).

Indeed, Defendants' application seeks to enjoin state court litigation in Florida. Defendants do not appear to have served either Mr. Nix or his counsel in the Florida action, of whose existence they specifically acknowledge their awareness. Instead, they appear to be circumventing the Federal Rules of Civil Procedure by serving former counsel in a closed matter in New York. We take no position on the propriety of

Page 2 of 2

Defendants' actions as we no longer represent Plaintiffs in this dismissed action, nor have we ever represented them in the two pending Florida state court actions.

We have had no contact with Mr. Nix since January 2020, in the context of reiterating that we would not represent him the state court appeal. We had no awareness of, much less any participation in, any state court litigation in Florida until receiving Defendants' email late Friday evening.

Our office takes the position that our representation of Mr. Nix terminated upon the dismissal of this matter in New York State Supreme Court. We are forwarding a copy of this letter and Defendants' submission to Mr. Nix as a courtesy.

In the event this Court takes the position that our office somehow still represents Mr. Nix in this matter, we ask leave to file a motion to be relieved as counsel.

Respectfully submitted,



Michael P. Hilferty

CC: Neiman Nix (via email)
Stephen Kobre, Esq. (via email and ECF)